

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 727
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State Affairs
4/29/2005
Committee Report (Substituted)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

C.S.S.B. 727 amends provisions of the Public Information Act based on input from the Open Records Steering Committee. The bill strikes references to the "General Services Commission," replacing them with the "attorney general," and amends provisions relating to state agencies' reporting of their costs to provide copies of public information. C.S.S.B. 727 provides that a request for information is considered withdrawn if the requestor does not examine the information requested within a specified time and does not request additional time to make the examination. C.S.S.B. 727 requires a governmental body that asks for an attorney general opinion regarding a request for information to provide the requestor with a copy of the written comments provided to the attorney general. The bill also requires any person who submits written comments to the attorney general regarding a request for information to provide a copy of the written comments to the requestor and to the governmental body involved.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 552.009(a), (b), and (c), Government Code, as follows:

- (a) Provides that the open records steering committee is composed of two representatives of the attorney general's office and a representative from each of certain entities, five public members appointed by the attorney general, rather than the General Services Commission, and a representative from each of certain types of local governments, appointed by the attorney general.
- (b) Makes a conforming change.
- (c) Requires the committee to advise the attorney general regarding the office of the attorney general's performance of its duties under certain sections.

SECTION 2. Amends Section 552.010, Government Code, to make conforming changes.

SECTION 3. Amends Section 552.205, Government Code, to make conforming changes.

SECTION 4. Amends Sections 552.225(a) and (b), Government Code, as follows:

- (a) Requires a requestor to complete the examination of the information not later than the 10th business day, rather than 10th day, after the date the custodian of the information makes it available. Provides that if the requestor does not complete the examination of the information within 10 business days after the date the custodian of the information makes the information available and does not file a request for additional time under Subsection (b), the requestor is considered to have withdrawn the request.
- (b) Makes conforming changes.

SECTION 5. Amends Section 552.231, Government Code, by amending Subsections (b) and (d) and adding subsection (d-1), as follows:

(b) Makes a conforming change.

(d) Specifies that a requestor is required to submit in writing certain requests of a governmental body within 30 days, or the governmental body does not have any further obligation to provide such information.

(d-1) Provides that, if a requestor does not make a timely written statement under Subsection (d), the requestor is considered to have withdrawn the request for information.

SECTION 6. Amends Section 552.2615(a) and (b), Government Code, as follows:

(a) Requires the governmental body to inform the requestor of the responsibilities, rather than duties, imposed on the requestor by this section, as well as of the rights granted by this entire section, and give the requestor certain information needed to respond.

(b) Makes a conforming change.

SECTION 7. Amends Section 552.262, Government Code, to make conforming changes.

SECTION 8. Amends Section 552.269, Government Code, to reference the attorney general, rather than the Texas Building and Procurement Commission.

SECTION 9. Amends Section 552.274, Government Code, as follows:

Sec. 552.274. New heading: REPORTS BY ATTORNEY GENERAL AND STATE AGENCIES ON COST OF COPIES. (a) Requires the attorney general to complete certain reporting duties, including providing the report on the Internet, rather than providing a copy to each state agency.

(b) Redesignated from existing Subsection (c). Authorizes a state agency to post reports on the Internet in order to comply with this subsection. Deletes existing text of Subsection (b).

(c) Redesignated from existing Subsection (d).

SECTION 10. Amends Section 552.301, Government Code, by adding Subsection (e-1), to require a governmental body that submits written comments to the attorney general to send a copy of those comments to the person who requested the information from the governmental body. Requires the copy of the comments provided to the person to be a redacted copy if the written comments disclose or contain the substance of the information requested.

SECTION 11. Amends Section 552.302, Government Code, to make conforming changes.

SECTION 12. Amends Section 552.304, Government Code, as follows:

Sec. 552.304. SUBMISSION OF PUBLIC DOCUMENTS. (a) Creates subsection from existing text.

(b) Requires a person who submits written comments to the attorney general to send a copy of those comments to both the person who requested the information from the governmental body and the governmental body. Requires the copy of the comments provided to the person to be a redacted copy if the written comments disclose or contain the substance of the information requested.

(c) Defines "written comments."

SECTION 13. Amends Section 402.081(d), Labor Code, to make a conforming change.

SECTION 14. (a) Provides that, on the effective date of this Act, all powers, duties, appropriations, rules, forms, and signs previously associated with the Texas Building and

Procurement Commission or its predecessor are transferred to the attorney general. Provides that a reference in law to the Texas Building and Procurement Commission, the General Services Commission, the State Purchasing and General Services Commission, or the Board of Control, in relation to the performance of the transferred duties, is considered to be a reference to the attorney general.

(b) Provides that the validity of an authorization granted, determination made, or other action taken by the Texas Building and Procurement Commission or its predecessor under Chapter 552, Government Code, is not affected by the transfer of powers and duties under this Act.

SECTION 15. Effective date: September 1, 2005.